

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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MARK RUMBURG,

Plaintiff,

v.

Case No. 10-CV-11670-DT

SECRETARY OF THE ARMY, JOHN M.  
MCHUGH,

Defendant.

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**ORDER ADJOURNING WITHOUT DATE THE DECEMBER 1, 2010 HEARING  
AND SETTING DEADLINE TO AMEND COMPLAINT**

On November 2, 2010, the court granted Plaintiff's application to appoint pro bono counsel. During a November 12, 2010, status conference, Plaintiff's new counsel requested some time to review the file and determine whether to seek an amendment of Plaintiff's pro se complaint. Defense counsel indicated no objection and the parties agreed on appropriate deadlines. Accordingly,

IT IS ORDERED that Plaintiff's counsel shall determine whether to amend the complaint, and seek concurrence to do so, by **December 10, 2010**. If concurrence is granted, counsel shall submit a stipulation and proposed order by **December 13, 2010**. If concurrence is not granted, counsel shall instead file a motion to amend by **December 13, 2010**. If the complaint is amended, either by stipulation or on motion, the court will issue an order denying without prejudice the pending motion to dismiss, as it is directed at the original complaint.

If the complaint is amended, Defendant shall have until **January 10, 2011**, to file its answer or dispositive motion.

If the complaint is not amended, the court will issue an appropriate order setting briefing deadlines on the pending motion to dismiss. In the meantime, the December 1, 2010, hearing is ADJOURNED WITHOUT DATE.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: November 18, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 18, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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